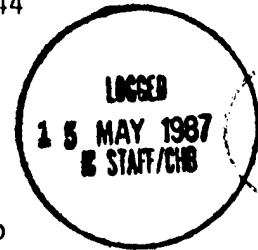


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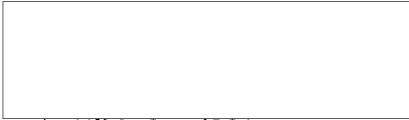


MEMORANDUM FOR THE RECORD

SUBJECT: Notes on the 7 May 1987 Meeting of the B. Kelly Group

1. The bulk of the meeting consisted of an NSA presentation on the Pollard case, mostly rehash.
2. The group had limited additional discussion of the conflict between the need for damage assessments and their utility to defense attorneys in espionage trials. More to come.
3. The attached handouts consisted of three Congressionally initiated additional legislative proposals. They are:
 - Young of Florida: Addition to HR 1748 would require the SecDef to polygraph all DoD personnel with SCI access and permit the same for non-SCI accesses.
 - Dornan of California: Addition to HR 1478 would require Marine diplomatic detachments to be headed by a commissioned officer in criteria countries (not the words in draft bill).
 - Broomfield of Michigan: Addition to HR 1748 would require that the SecDef, within 90 days of enactment of the Act, determine if Mt. Alto is or is not consistent with the national security of the United States.
4. The next meeting will be held at 1000 on 13 May. Legal implication of damage assessments may be the subject of that meeting. OGC warned.

STAT


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Attachments:
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YOUNFL054

AMENDMENT TO H.R. 1748

OFFERED BY MR. YOUNG OF FLORIDA

(Page and line references are to H.R. 2169)

At the end of title VIII of division A (page 117, after line 25), add the following new section:

2 Sec. 812. LIMITED COUNTERINTELLIGENCE POLYGRAPH PROGRAM

(a) The Secretary of Defense is authorized and directed to institute a program of counterintelligence polygraph examinations for military, civilian and contractor personnel of the Department of Defense, military departments, and the armed forces whose duties involve access to classified information.

(b) The program instituted pursuant to subsection (a) shall provide that, in the case of such individuals whose duties involve access to classified information within special access programs established pursuant to section 4.2(a) of Executive Order 12356, a counterintelligence polygraph examination shall be required prior to granting access to such information and aperiodically thereafter at random while such individuals have access to such information.

(c) In the case of individuals whose duties involve access to classified information other than that information covered in subsection (b) of this section, a counterintelligence polygraph examination may be required prior to granting access to such information and aperiodically thereafter at random while such individuals have access to such information.

(d) A counterintelligence polygraph examination conducted pursuant to this section shall be limited to technical questions necessary to the polygraph technique and questions directly related to espionage, sabotage, terrorism and unauthorized disclosures of classified information.

(e) The authority of the Secretary of Defense under this section to provide for the use of polygraph examinations shall be in addition to any other authority the Secretary possesses on the date of enactment of this act to provide for such examinations under applicable laws and regulations.

1412

DORNAN631

AMENDMENT TO H.R. 1748

OFFERED BY MR. DORNAN OF CALIFORNIA

~~(Page and line references are to H.R. 2169)~~

At the end of title VIII of division A (page ¹¹¹~~117~~, after line 25), add the following new section:

1 SEC. ~~822~~. COMMANDERS OF MARINE CORPS EMBASSY SECURITY

2 DETACHMENTS.

810) 3 (a) REQUIREMENT FOR COMMISSIONED OFFICERS.--The commander
4 of the Marine Corps security detachment at each United States
5 diplomatic or consular mission in the Soviet Union, any other
6 Warsaw Pact country, the Peoples' Republic of China, and any
7 other location specified by the President shall be a
8 commissioned officer who has successfully completed a course
9 in counterintelligence and security which is approved by the
10 Secretary of Defense and the Director of Central
11 Intelligence.

12 (b) EFFECTIVE DATE.--The requirement in subsection (a)
13 shall be implemented not later than 180 days after the date
14 of the enactment of this Act.

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AMENDMENT OFFERED BY MR. BROOMFIELD
TO H.R. 1748, AS REPORTED, NATIONAL DEFENSE AUTHORIZATION ACT

Amendment

At the appropriate place in the bill, insert the following new section:

SEC. _____. ASSESSMENT OF SOVIET ELECTRONIC ESPIONAGE FROM MOUNT ALTO EMBASSY SITE.

(a) REVIEW AND ASSESSMENT.--Within ninety days of the date of enactment of this Act, the Secretary of Defense shall review and assess the present and potential capabilities of the Government of the Union of Soviet Socialist Republics to intercept United States communications involving diplomatic, military, and intelligence matters from Mount Alto in the District of Columbia and shall report thereon to the Congress.

(b) DETERMINATION OF CONSISTENCY WITH NATIONAL SECURITY.--The report required by subsection (a) shall include either a determination by the Secretary of Defense that the present and proposed occupation of Mount Alto by the Government of the Union of Soviet Socialist Republics is consistent with the national security of the United States, or that it is not, as the case may be.

(c) CLASSIFIED AND UNCLASSIFIED PORTIONS OF REPORT.--The report required by subsection (a) shall be submitted in both a classified form and an unclassified form, except that the determination required by subsection (b) shall be submitted in an unclassified form.

(d) LIMITATION ON DELEGATION.--The Secretary of Defense may not delegate the duty to make the determination required by subsection (b).

Explanation

The site of the proposed new Soviet Embassy in the United States is on Mount Alto, the highest point in the District of Columbia. Currently, the Soviets occupy the residential quarters on Mount Alto; they have not yet occupied the chancery building.

The Soviet Union has engaged in signals intelligence activities from their current diplomatic premises to intercept sensitive U.S. diplomatic, military, and intelligence communications. Permitting the Soviets to use Mount Alto may improve their capability to intercept sensitive national security communications of the U.S. government.

The amendment would require the Secretary of Defense, who is the Executive Agent of the U.S. Government for communications security, to review and assess the present and potential threat to the security of sensitive U.S. Government communications posed by Soviet occupation of Mount Alto, and to report thereon to the Congress. The amendment also would require the Secretary to make a determination whether Soviet occupation of the Mount Alto site is, or is not, consistent with the national security of the United States.